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Identical letters dated 17 April 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like convey to you the position of the Government of the Syrian Arab Republic regarding the meeting that the Israeli Government held in the occupied Syrian Golan on Sunday morning, 17 April 2016.

The Syrian Arab Republic condemns in the strongest possible terms the provocative meeting that the Israeli occupying Government held in the occupied Syrian Golan. That meeting is null and void in both form and substance. The Syrian Government calls on the United Nations and the Security Council to act immediately and condemn the holding of such an irresponsible meeting and to demand that this reckless action must not be repeated, particularly given that the meeting was held in occupied Syrian territory.

The Syrian Arab Republic now reminds the United Nations of its commitments and obligations to implement the resolutions adopted by the General Assembly and the Security Council. Those resolutions do not recognize Israeli occupation of Syrian territory. Security Council resolution 497 (1981), in particular, rejects the sinister decision of the Israeli Knesset to annex the Syrian Golan, an action that no State has recognized because it is contrary to international law, international humanitarian law and human rights. Security Council resolutions 242 (1967) and 338 (1973) are the basis for resolving the Arab-Israeli conflict; accordingly, such Israeli policies reflect Israel's utter lack of respect for the international community and the resolutions it has adopted.

Security Council resolution 497 (1981) provides that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, and considers that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect. In that same resolution, the Council demands that Israel, the occupying Power, should rescind forthwith its decision, and declares that all the provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel.

The Syrian Arab Republic reiterates that the Syrian people are determined to combat terrorism and will continue the struggle to eradicate terrorism from Syrian

territory and defeat the armed terrorist groups, which receive foreign support, particularly from Israel, Turkey and Saudi Arabia. Syria will never forget, nor will it relent, but will continue to sacrifice all that is precious and dear in order to liberate the steadfast Syrian Golan from ignominious Israeli occupation. It will also continue to resist Israeli occupation and the illegal policies and practices of the occupiers, as exemplified by the imposition of their invalid measures and laws in occupied Syrian and Arab territory. The Government of the Syrian Arab Republic salutes and expresses its appreciation to the heroic Syrian people of the occupied Syrian Golan, who stand resolutely before the Israeli occupiers, and praises them for the sacrifices they have made in the struggle against Israel and their decisive rejection of Israel's decision to annex the occupied Syrian Golan. As Syria continues to combat terrorism and achieve victory after victory, it stresses that terrorism is one of the principal tools employed by Israel in order to consolidate its occupation of Syrian and Arab territory.

The Government of the Syrian Arab Republic calls on the United Nations and the international community to fulfil their responsibility to implement the relevant resolutions of the Security Council and the General Assembly, and to bring to an end the occupation of the Syrian Golan, in accordance with Security Council resolution 497 (1981). The Government also calls on them to condemn all forms of terrorism perpetrated by Israel against our people in the occupied Syrian Golan, as well as threats to the territorial integrity and unity of the Syrian Arab Republic and the unity of its people. Moreover, those Israeli policies threaten security and stability in Syria, the region and the world.

I should be grateful if the present letter could be issued as a document of the Security Council.

(*Signed*) Mounzer **Mounzer**
Chargé d'affaires a.i.

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Security Council

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19 April 2016

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2218 (2015), by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2016 and requested me to provide a report to it on the situation in Western Sahara well before the end of the mandate period. It covers developments since my report dated 10 April 2015 (S/2015/246) and describes the situation on the ground, the status and progress of the political negotiations on Western Sahara, my activities and those of my Chef de Cabinet, the implementation of resolution 2218 (2015) and the existing challenges to the Mission's operations and steps taken to address them, as the Council requested in its resolution 2218 (2015).

2. From 3 to 7 March 2016, I visited the region to make my own contribution to the negotiating process, pay tribute to the United Nations peacekeeping operation, MINURSO and its personnel, see for myself the humanitarian situation on the ground and discuss other issues of concern. The Government of Morocco took strong exception to a number of my words and actions during the trip. I regret that it chose to forgo seeking clarifications through diplomatic channels, instead issuing a number of public statements and communiqués and organizing mass protest demonstrations in Rabat and Laayoune. I have repeatedly made it clear that nothing I had said or done had been meant to take sides, express hostility to Morocco or signal any change in the approach of the United Nations to the Western Sahara issue. The results of my trip and subsequent developments are further detailed in the sections on political activities and MINURSO below.

II. Recent developments

3. In an additional reaction to certain of my words and actions during my trip, the Minister for Foreign Affairs of Morocco, Salaheddine Mezouar, called on me on 14 March 2016 to deliver a letter in which it was stated that Morocco was entitled to "immediate, formal and public clarifications about [my] positions, the meaning of [my] actions, as well as [my] intentions concerning ... the parameters agreed during

* Reissued for technical reasons on 27 April 2016.

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[my] phone conversation with His Majesty the King Mohammed VI". On 15 March, the Government of Morocco announced a series of measures that have drastically affected the ability of MINURSO to carry out its functions, including a significant reduction of the civilian component, in particular the political segment, as well as the cancellation of Morocco's voluntary contribution to the functioning of the Mission.

4. On 16 March, the Permanent Mission of Morocco sent a note verbale to my Executive Office transmitting a "list of 84 international civilian personnel of MINURSO and the African Union who should leave the Kingdom of Morocco within three days". On 20 March, the temporary reassignment from Laayoune to Las Palmas, Spain, or their home countries of the 70 United Nations and 3 African Union international civilian personnel on the list actually present in Laayoune and their dependants was completed. In response to the critical staff shortage created in the Mission as a result, the Department of Field Support has temporarily implemented an improvised concept of logistical support to allow for the continuity of core administrative functions where possible. Only 28 international civilian staff members remain in Laayoune, while 25 are performing limited functions from Las Palmas. On 21 March, MINURSO redeployed all three of its liaison officers from Dakhla to the Awsard team site at the request of Morocco.

5. In a letter dated 20 March, the Secretary-General of Frente Polisario, Mohammed Abdelaziz, criticized the decision of Morocco to call for the removal of the civilian staff and reaffirmed the commitment of Frente Polisario to the mandate of MINURSO and the relevant military agreements. He also "urgently appealed to the Security Council to assume its responsibilities" towards the Mission and its mandate.

6. The current crisis aside, the situation in Western Sahara, as it presents itself to MINURSO, has been generally stable since my previous report. However, one potential violation of the ceasefire occurred, as defined in military agreement No. 1. On the evening of 27 February 2016, Frente Polisario informed MINURSO of a shooting incident near Mijek, in the demilitarized buffer strip east of the berm. On 29 February, following necessary mine clearance for access, MINURSO located the body of one individual and the remains of four camels. The Royal Moroccan Army confirmed having fired 13 gunshots "in the direction of the camels". MINURSO recovered the body, identified by Frente Polisario as a civilian Sahrawi cameleer, and handed it over to the family of the deceased. On 29 February, the Permanent Representative of Morocco, Omar Hilale, wrote to me providing details of the incident and reiterating that, after warnings, shots had been fired in "conditions of very reduced visibility". On 13 March, Mr. Abdelaziz wrote to the United Nations High Commissioner for Human Rights condemning what he considered "an assassination" and calling upon the United Nations to investigate the incident.

7. West of the berm, public life proceeded peacefully and included large gatherings at social events in urban areas without major incident. On the occasions MINURSO was able to witness, an extensive presence of Moroccan security forces was noted.

8. On 4 September 2015, municipal and, for the first time, regional elections were held in Morocco and in Western Sahara. Insofar as MINURSO could ascertain, the elections were conducted without incident. In a letter dated 1 October 2015, Mr. Hilale informed me that each of the 12 new regions, including the regions of

Dakhla and Laayoune, would have broad powers, including the mobilization of financial resources and the establishment of development agencies.

9. In a statement on 4 November 2015, I recalled that the definitive status of Western Sahara was the object of a negotiating process being conducted under my auspices in accordance with the relevant Security Council resolutions, and I expressed regret at the absence of genuine negotiations "without preconditions and in good faith to achieve a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". On 5 November, Mr. Hilale called on me to express his country's dismay at the content and timing of the statement. He stressed that the use of the term "definitive status" was new and contradicted Security Council resolutions, in which the Council called for "a mutually acceptable political solution". On 17 November, Mr. Abdelaziz wrote to me welcoming my call for true negotiations, reaffirming the support of Frente Polisario for the work of my Personal Envoy and warning: "We are at a crisis. The conflict cannot be allowed to continue indefinitely".

10. King Mohammed VI visited Laayoune in November 2015 and Dakhla in February 2016. In Laayoune, on 6 November, he delivered his annual speech on the occasion of the fortieth anniversary of the "Green March". The King stated that the autonomy initiative "is the most Morocco can offer" and that "[i]ts implementation hinges on achieving a final political settlement within the framework of the United Nations". The King elaborated that integration of the territory into a unified Morocco would be conducted principally through the "development model for the southern provinces". He also stressed that revenues from natural resources would continue to be invested for the benefit of the local population in consultation and coordination with it and promised that it would benefit from an important number of infrastructure projects. He added that the legislators elected by the citizens were the "true representatives of the inhabitants". On 12 November and 15 February, Mr. Hilale wrote to me providing further details on the initiative, including that it would consist of projects in the phosphate, agricultural, fisheries and tourism sectors and that its global budget would be $7.7 billion.

11. In a letter dated 17 November 2015, Mr. Abdelaziz expressed "deep concern" at the content of the King's speech, which he called "intentionally provocative and aimed clearly at drawing a line under the United Nations political process". Subsequently, Mr. Abdelaziz stated that Frente Polisario would not exclude resuming the armed struggle, since the referendum that had been agreed in exchange for the ceasefire in 1991 had not been held. He also denounced the King's visit to Laayoune as contradicting international law.

12. In the refugee camps near Tindouf, Algeria, public life and social activities were conducted peacefully and in a relatively calm atmosphere. The severe living conditions, already affected by a continuing decrease in humanitarian aid, deteriorated further in October 2015 as a result of prolonged heavy rains that devastated the five camps, destroying many of the refugees' mud-brick homes, infrastructure and food supplies. The extensive damage prompted the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the World Food Programme (WFP) to launch a joint flash appeal for $19.8 million.

13. Frente Polisario held public events on the occasion of its forty-second anniversary on 10 May 2015. From 16 to 22 December 2015, Frente Polisario held

its fourteenth General Peoples' Congress, with the reported participation of 2,472 delegates. In its final communiqué, the Congress accused Morocco of intransigence in its refusal to resume negotiations. It welcomed my intention to visit the region and the intensified efforts of my Personal Envoy as a new opportunity, and expressed its readiness to engage constructively in the search for a settlement. However, it also warned that Morocco's defiance against the efforts of the United Nations could lead to grave consequences. On 23 December, Mr. Abdelaziz was re-elected as Secretary-General. In January 2016, he appointed new officials in several domains.

14. On 23 June 2015, Frente Polisario deposited with the Swiss Federal Council, in its capacity as depositary of the 1949 Geneva Conventions and Additional Protocols thereto, a unilateral declaration that Frente Polisario, as the authority representing the people of Western Sahara, undertook to apply the Conventions and Additional Protocol I thereto to the conflict between Frente Polisario and Morocco. On 26 June, the Swiss Federal Council notified the high contracting parties of receipt of the declaration. On 9 July, it also transmitted a communication dated 30 June from Morocco in which Morocco rejected the declaration and considered it null and void, adding that the depositary had exceeded its prerogatives by accepting it.

15. During the reporting period, the Moroccan authorities addressed 11 letters to me reiterating their support for the United Nations political process, stressing that the Moroccan autonomy initiative was the only solution and affirming that Morocco respected human rights fully and had made extensive investments in the territory. They also conveyed their concerns about what they described as the deplorable humanitarian and human rights situation in the refugee camps near Tindouf. For his part, Mr. Abdelaziz wrote to me on 10 occasions deploring what he described as Moroccan obstruction and raising allegations of human rights violations, the disproportionate use of force and the illicit exploitation of natural resources. He repeatedly called upon the United Nations to implement appropriate remedies, arrange the release of all Western Saharan political prisoners and institute a human rights monitoring mechanism for Western Sahara.

III. Political activities

16. After the publication of my previous report on 10 April 2015 (S/2015/246), I decided to dispatch my then Chef de Cabinet, Susana Malcorra, to communicate my understanding of the issues at stake and give new impetus to the negotiating process on Western Sahara. Ms. Malcorra carried letters from me to King Mohammed VI and Mr. Abdelaziz in which I reiterated my personal commitment and political engagement and called upon the parties to show stronger political will and return to the negotiating table.

17. In mid-June, Ms. Malcorra delivered letters to Mr. Abdelaziz. An adviser to King Mohammed VI, Abdelatif Menouni, received her in the absence of the King. In both letters, I emphasized the dangers posed by the changing regional dynamics, including the spread of Islamic State in Iraq and the Levant (ISIL) in the Middle East and North Africa, the worsening migration pressures across the Mediterranean and the illicit trade in drugs and other contraband in the Sahel. In my view, these dynamics required the international community to make intensified efforts to address protracted conflicts. In particular, I drew the leaders' attention to the

potential dangers relating to the radicalization of youth, which could present a danger to peace and security in the region and beyond. Given the challenges that no single actor could address alone, I underscored that, more than ever, the status quo was no longer an option. I asked Ms. Malcorra to convey that, seven years after the submission of their respective proposals to the Security Council, the parties had yet to bridge the divide between their mutually exclusive positions and neither party had succeeded in winning over the other party to its proposal and moving towards a solution. I requested my Chef de Cabinet to stress that the resulting lack of regional integration had real effects on the populations of the region.

18. In his response of 9 August 2015, Mr. Abdelaziz welcomed my call for the resumption of negotiations and my expressed commitment to visit Western Sahara and the region, and called the steps "an important demonstration of the resolve of the United Nations to end the current stalemate and fulfil the promise of a self-determination referendum for the Sahrawi people". For his part, in a letter dated 24 August 2015, the King indicated that "Morocco has a sincere desire to put an end to this regional dispute" and that its "autonomy initiative is the only way towards a final solution". He further stressed that he shared my objective to relaunch the political process under the sole auspices of the United Nations. He added that this shared objective required that Algeria demonstrate the political will to achieve it, given its "historic and political responsibility in this dispute".

19. At my request, my Personal Envoy for Western Sahara, Christopher Ross, moved to intensify his efforts through bilateral consultations and shuttle diplomacy. His objective was to foster new ideas with a view to resuming the political negotiations between the parties, in accordance with the Manhasset formula. Working towards this objective, Mr. Ross conducted four trips to the region: from 31 August to 10 September 2015; from 19 to 28 October 2015; from 22 to 30 November 2015; and from 16 to 25 February 2016.

20. In Rabat, my Personal Envoy met Mr. Mezouar and the new Minister-Delegate for Foreign Affairs, formerly the Secretary-General of the Ministry, Nasser Bourita. Mr. Mezouar encouraged my Personal Envoy to visit as often as he wished to pursue his shuttle diplomacy and reiterated Morocco's commitment to the negotiating process under United Nations facilitation. Mr. Bourita, for his part, affirmed that the basis of the process was the "2004 understanding", which, in his view, consisted of a political solution that did not bring the status of Western Sahara into question, inasmuch as "the Sahara is already Moroccan".

21. My Personal Envoy's Moroccan interlocutors introduced two of their long-standing positions as new ideas to be explored in shuttle diplomacy. In September 2015, they asked him to explore bringing Algeria to the table as a formal party in the negotiation process, maintaining that the continuation of the status quo was due to Algeria's absence. In October 2015, they suggested that he promote an exchange of views on self-determination. Mr. Bourita stated that in Morocco's view, self-determination could occur in the constant daily exercise of human rights, in particular the pursuit of economic, social and cultural development, instead of in the conduct of a formal exercise.

22. Following an interview with the Spanish news agency EFE, in which Mr. Mezouar was widely believed to have stated that my Personal Envoy would not be allowed to visit Western Sahara in the future, the issue was raised by the Security Council in November 2015 and was defused after the Permanent Representative of

Morocco assured members of the Council that there were no impediments to Mr. Ross's travel. Mr. Bourita later stated that, while Morocco did not question his right to travel, it was a question of agreeing whether the timing was "opportune". Mr. Ross's previous visit to Western Sahara took place in the spring of 2013.

23. In Rabouni, my Personal Envoy met with Mr. Abdelaziz in October 2015 and with the Frente Polisario negotiating team, headed by Khatri Adduh, during each visit. Mr. Ross exchanged views on the negotiating process and expressed the satisfaction of the United Nations and key international stakeholders with the stated readiness of Frente Polisario to enter into negotiations on a more flexible basis and to no longer insist on an immediate referendum, on the condition that Morocco show similar flexibility.

24. When my Personal Envoy conveyed the two ideas from Rabat, the Frente Polisario representatives warned that the Moroccan objective was to create confusion in the process and delay it further. Reiterating the movement's commitment to the peaceful resolution of the conflict, they said that their patience had limits and that they could not understand why the United Nations was accepting what they saw as Moroccan efforts to "redefine the negotiating parameters". They maintained that Morocco had effectively rejected the negotiation process since 2012 and lacked any respect for the United Nations and Frente Polisario.

25. In Algeria, the President, Abdelaziz Bouteflika, confirmed that his country's position remained unchanged and reiterated that Algeria would accept any solution that Frente Polisario endorsed. Underscoring that his country was not a party to the conflict, the Minister of State and Minister for Foreign Affairs and Cooperation, Ramtane Lamamra, rejected Moroccan efforts to "bilateralize" the Western Sahara conflict as a "regional dispute" between Algeria and Morocco. He recalled that, since 1975, the conflict had been between Morocco and Frente Polisario. In response to Morocco's query on self-determination, Mr. Lamamra indicated that Algeria remained attached to that right as defined in the United Nations context and saw no further reason to elaborate. For his part, the Minister for Maghreb Affairs, the African Union and the League of Arab States, Abdelkader Messahel, stated that the preferred solution of Algeria remained for the people of Western Sahara to exercise their right to self-determination through a referendum based on "one person, one vote".

26. In Nouakchott, my Personal Envoy met with the Prime Minister of Mauritania, Yahya Ould Hademine on two occasions, as well as the Minister for Foreign Affairs and his Minister-Delegate. As on previous occasions, they all reiterated Mauritania's long-standing position of "positive neutrality" with regard to the Western Sahara negotiating process. The Prime Minister repeated his warning that the continuing stalemate in the Western Sahara negotiations risked undermining regional stability. He also stressed the important family and cultural ties between Sahrawis and Mauritanians.

27. My Personal Envoy also continued his consultations with members of the Group of Friends on Western Sahara, visiting Madrid, Paris, London and Washington, D.C., and meeting the Deputy Minister for Foreign Affairs of the Russian Federation in New York. In these discussions, my Personal Envoy's interlocutors reiterated their support for his efforts. For his part, my Personal Envoy reiterated the possible dangers of the ongoing stalemate and called upon his interlocutors to help to address the situation. As on previous occasions, he underscored the need for more flexibility

in the parties' positions to enable the process to move forward. In Madrid, he also expressed his deep appreciation for the continuing facilitation of his mission by the Government of Spain through the provision of a Spanish Air Force aircraft for his travels within North Africa.

28. In the light of the ongoing stalemate and my desire to visit MINURSO, I visited the region from 3 to 7 March 2016 following several discussions on the preparations for the trip. I wanted very much to begin in Rabat in response to the invitation of 14 April 2014 by King Mohammed VI, but this proved impossible because his agenda did not permit him to receive me. Regrettably, I had been obliged to cancel earlier plans to visit the region in November 2015 and January 2016 because of a possible visit to the Democratic People's Republic of Korea. On 4 February 2016, the King conveyed an invitation to meet him to discuss a range of issues, including Western Sahara, as well as mutually convenient dates for a future visit to the region for the twenty-seventh Arab Summit, due to be held in Marrakesh, Morocco, in April. Although I offered to begin my trip by meeting a designated representative of the King, the Moroccan side demurred. It also insisted that any visit to Laayoune be preceded by a visit to Rabat. I therefore travelled instead to my other stops — Nouakchott, the Smara refugee camp near Tindouf, Rabouni, the MINURSO team site in Bir Lahlou and Algiers — with the intention of subsequently visiting both Rabat and Laayoune, assuming mutually agreed dates could be found.

29. My visit had four objectives. First, I wanted to make my own assessment and contribution to the search for a settlement. Second, I sought to visit MINURSO and pay tribute to its civilian personnel and military observers, who serve under very difficult conditions. Third, in the first visit to the refugee camps by a Secretary-General since 1998, I wanted to bear witness to this protracted humanitarian plight. Fourth, I desired to exchange views on other issues of mutual interest with relevant leaders. My movements were greatly facilitated by the generous offer of the Government of Spain to make a Spanish Air Force aircraft available for my travel in the region.

30. In Nouakchott, Rabouni and Algiers, I held political discussions with the leaders of Mauritania, Frente Polisario and Algeria on the status of the negotiating process and how to make progress. In the Smara refugee camp, I saw first-hand the deep emotions and profound frustrations resulting from more than 40 years of living without the prospect of a better future. Unable to leave my car because of the press of the crowd, I met youth representatives later the same day in Rabouni. I witnessed anger and bitterness at the international community, the United Nations, Morocco and Frente Polisario alike. I recoiled at the inhumane conditions and extremely harsh environment in which the refugees live. With every interlocutor, I stressed the urgent need for progress towards "a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara" (see Security Council resolution 2218 (2015), para. 7). I also committed myself to doing more to encourage greater humanitarian assistance for the camps.

IV. Activities of the United Nations Mission for the Referendum in Western Sahara

A. Operational activities

31. As at 31 March 2016, the military component of MINURSO stood at 244 personnel, 11 of whom were female, against the authorized strength of 246. The military component remains deployed at nine team sites and a liaison office in Tindouf, Algeria.

32. From 1 April 2015 to 31 March 2016, MINURSO conducted 8,369 ground patrols and 262 aerial patrols and visited units of the Royal Moroccan Army and the military forces of Frente Polisario to monitor adherence to the military agreements. West of the berm, MINURSO military observers regularly visited 585 units, 29 training areas and 316 observation posts of the Royal Moroccan Army and monitored 399 notified operational activities. East of the berm, the military observers regularly visited 78 units, 10 training areas and 31 observation posts of the Frente Polisario military forces and monitored 4 notified operational activities. MINURSO also monitored one demonstration that supporters of Frente Polisario had organized close to the berm to verify its exclusively civilian nature and defuse or prevent possible tensions.

33. As at 31 March 2016, at the team site level, local cooperation had been maintained by both parties. Owing to the limited logistical support and capacities available as a result of the withdrawal of MINURSO civilian staff, field locations are required to strictly control the consumption of water, fuel and other supplies to preserve stocks.

34. West of the berm, apart from the potential breach of the ceasefire mentioned in paragraph 6 above, MINURSO recorded no other new violations by the Royal Moroccan Army besides the nine long-standing violations indicated in my previous report (S/2015/246, para. 25). The Royal Moroccan Army continued to redeploy its military personnel to strong points established on the berm from its second line of defence 15 km from the berm, a major long-standing violation since September 2008. As at 14 March 2016, 55 observation posts remained operational. The Royal Moroccan Army continued to contest notifications of long-standing violations of the ceasefire regime with claims of "operational necessities" unrelated to the ceasefire requirements. On 6 November 2015, the Royal Moroccan Army ordered the temporary deployment of an additional contingent of the Moroccan Royal Guard to the area outside Laayoune to reinforce security during the visit of King Mohammed VI. East of the berm, MINURSO observed and recorded one new violation, namely, the Frente Polisario military forces' relocation of two units away from their original location, in addition to the three long-standing violations indicated in my previous report (ibid.).

35. In reaction to an entry formality west of the berm that Morocco holds is foreseen in the status-of-mission agreement, Frente Polisario implemented a new entry procedure east of the berm on 15 April 2015, affixing a stamp on the passports of MINURSO military and civilian staff members. Non-acceptance of passports bearing the stamp west of the berm resulted in an interruption of MINURSO personnel rotation and restrictions on deliveries to team sites east of the berm, affecting MINURSO operations such as patrolling. MINURSO resumed full

operations on 9 May following intensive dialogue with Frente Polisario that resulted in the indefinite suspension of the measure. However, Frente Polisario cautioned that the entry requirement could be reimposed if the political process remained stalled or the perception of double standards in the treatment of the parties by the United Nations was not corrected. On 25 June 2015, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel sent separate letters addressed to the Government of Morocco and to the Secretary-General of Frente Polisario, calling upon both of them to respect the status, privileges and immunities of MINURSO in this regard.

36. In a letter dated 9 August 2015, Mr. Abdelaziz criticized Morocco's entry procedures, as well as its requirement that MINURSO vehicles west of the berm carry Moroccan licence plates and that mail to localities west of the berm be addressed to Morocco, not Western Sahara, as violations of its status as a Non-Self-Governing Territory. He called for these and other measures to be rectified to restore the credibility of the United Nations and confidence in its neutral role in Western Sahara.

37. These events subsequently prompted MINURSO to review its logistics, operations and contingency plans to enable it to address possible restrictions on its operations, adapt to a changing regional security environment and ensure continuity of operations for 90 days. A separate logistics hub was subsequently proposed to be located in Tifariti, east of the berm, and medical staff from the military medical unit were permanently stationed east of the berm to ensure supply and staff well-being and increase preparedness against any potential threats or interruptions. The latter constitutes a severe overstretch of the existing medical and logistical capacity of the Mission. To meet the new requirements, and as a first step, MINURSO requests 11 additional paramedics and 3 additional doctors for the military medical unit that Bangladesh has provided.

38. The Mission's Force Commander held regular meetings with military representatives of both parties to maintain the channels of communication and to exercise due diligence in ensuring the observance of military agreement No. 1. From 16 to 18 October 2015, Lieutenant-General Maqsood Ahmed, Military Adviser for United Nations Peacekeeping Operations, visited Western Sahara and the refugee camps near Tindouf and met representatives of both parties.

39. Landmines and other explosive remnants of war continued to endanger the lives of MINURSO military observers and logistical teams, as well as local and nomadic populations. As of the end of March 2016, a total of 52 cluster strike areas and 42 minefields remained to be addressed east of the berm. However, the departure of all international staff overseeing the Mine Action Service-managed demining project as part of MINURSO has resulted in the suspension of all demining activities since 20 March. Previously, two accidents relating to landmines and other explosive remnants of war occurred east of the berm, involving five civilians. A total of 15 accidents relating to landmines or explosive remnants of war occurred west of the berm, causing injury to 21 civilians and 8 soldiers and the deaths of 2 civilians and 1 soldier.

40. Prior to 20 March 2016, in response to these threats, the Mine Action Coordination Centre operated by the Mine Action Service conducted clearance of landmines and explosive remnants of war, route verification and landmine safety training activities east of the berm in support of the Mission's ceasefire monitoring efforts. Mine Action Coordination Centre teams released a total of 7,382,251 m^2 of

land and destroyed 1,797 items, including 181 cluster sub-munitions, 144 unexploded ordnance items and 45 anti-tank mines, as well as 1,427 rounds of small arms ammunition in areas in which MINURSO military observers and international logistical staff were operating. Of the 21 cluster strike areas that were cleared, 2 were located on main supply routes and roads that MINURSO military observers frequently used. The remaining areas were located around team sites. A total of 29 km of patrol routes were also verified to facilitate MINURSO patrols to the east of the berm. These activities saved lives and increased freedom of movement not only for United Nations personnel, but also for local populations.

41. The Royal Moroccan Army reported the clearance of more than 220,360,000 m^2 of land to the west of the berm and the destruction of 9,873 items, including anti-tank and anti-personnel mines, unexploded ordnance and small arms ammunition.

42. Prior to 20 March 2016, the Mine Action Coordination Centre worked with both parties to the conflict on mine action initiatives with the aim of better ascertaining the threat and impact of landmines and other explosive remnants of war throughout Western Sahara. Consistent coordination and communication was maintained in this regard.

43. The potential for regional instability and insecurity has affected the operational environment of MINURSO increasingly. Primary responsibility for the protection of the Mission rests with Morocco, Frente Polisario and Algeria. The parties and neighbouring countries have taken additional measures to prevent infiltration by radical groups. However, the Mission's unarmed observers are increasingly exposed to growing regional threats. The increased competition between Al-Qaida in the Islamic Maghreb and ISIL for pre-eminence in the region creates the potential for additional radical actions against countries perceived to be supporting international counter-terrorist interventions and possibly the United Nations.

44. During the reporting period, the Moroccan media reported on the dismantling of terrorist cells in Laayoune on at least three different occasions. The Moroccan authorities subsequently confirmed the details to my Special Representative for Western Sahara, which prompted a constructive discussion between the MINURSO leadership and Moroccan authorities on enhancing protective measures for United Nations property and staff west of the berm.

45. For its part, Frente Polisario regularly updated the Mission on possible threats, such as terrorist attacks and kidnappings, and suggested increasing protective measures and vigilance. As a precautionary measure and owing to the lack of MINURSO capability to verify such threats, MINURSO has reduced all ground patrols to a 50 km radius around its five team sites east of the berm. Frente Polisario insists that all daylight patrols towards the Mauritanian border be conducted under its armed escort, which has frequently been met with protest from the Moroccan authorities, who consider it a serious limitation of the Mission's freedom of movement.

46. MINURSO has requested the Royal Moroccan Army and Frente Polisario to augment their protection of its team sites by stationing quick reaction forces and increasing the number of security guards, which is not always feasible for the parties to implement. MINURSO has also increased its alertness and situational awareness to improve the security and safety of its military and civilian staff. Department of Safety and Security experts regularly visited team sites and the

liaison office in Tindouf to review the security arrangements in place and consult the local representatives of the parties on security matters. Team site personnel have been duly sensitized to the threat, with an added emphasis on security and safety drills. The departure of the international security personnel whose names appeared on Morocco's list of 16 March 2016 has reduced the security management capacity of the Mission, leaving MINURSO unable to fully and independently assess and strengthen the safety and security of its remaining personnel.

B. Substantive civilian activities

47. Throughout the reporting period, my Special Representative maintained constructive contacts with the parties, primarily through their respective coordination offices.

48. West of the berm, access by MINURSO to local interlocutors continued to be restricted to Morocco's MINURSO coordination office, as well as the Moroccan civil and military authorities, whom my Special Representative and relevant MINURSO staff met regularly on operational matters. MINURSO also met a number of foreign visitors, including diplomats, legislators, journalists and academics. However, the Mission's substantive activities have come to a halt following the departure of the political segment of the Mission in March 2016 at the request of Morocco.

49. The recent crisis and the local media coverage that ensued affected the perception of MINURSO and United Nations impartiality west of the berm, created tensions and added pressure on the remaining personnel. The long-standing issue of MINURSO vehicles operating with Moroccan licence plates west of the berm continues, as described in previous reports (see S/2015/246, para. 40). Moroccan licence plates must be removed and replaced by United Nations plates when MINURSO vehicles cross to east of the berm and travel outside the area of operations, inducing logistical and administrative complications. Despite the clear provisions of the status-of-mission agreement, the Moroccan authorities have not implemented their verbal agreement of March 2014 to gradually replace Moroccan licence plates with United Nations plates on MINURSO vehicles (see S/2014/258, para. 50).

50. In the refugee camps south of Tindouf, MINURSO and the United Nations agencies enjoy unhindered access and interaction with Frente Polisario representatives and refugees, as well as with local and international civil society organizations. The difficulties experienced in May 2015 notwithstanding (see para. 35 above), the Mission's leadership maintained constructive cooperation with Frente Polisario on operational matters. However, as a result of the withdrawal of the Mission's international civilian component, the United Nations is now the subject of additional criticism.

C. Challenges to the operations of the Mission

51. The parties continue to have significantly divergent interpretations of the Mission's mandate. As I have reported repeatedly, Morocco views the role of MINURSO as being limited to monitoring the ceasefire and military matters, as well as support for demining and for UNHCR confidence-building measures. Frente Polisario considers the central purpose of MINURSO to remain the organization of a

referendum of self-determination, for which monitoring of the ceasefire is instrumental. For the United Nations, the Mission's mandate is defined in successive Security Council resolutions. To respond to the expectations of the Council, effective implementation of the mandate of MINURSO requires that the Mission be able to perform the full range of standard peacekeeping functions that United Nations operations around the world perform. Tensions relating to the parties' divergent interpretations of the mandate and, more broadly, to the negotiating process and the understanding of the United Nations of that process can affect the Mission's operations. This has adverse effects on the credibility of the Mission and the United Nations with the parties and the population and impedes their ability to fully implement the tasks that the Security Council has set forth.

52. The temporary reassignment of the Mission's international personnel from Laayoune to various locations has severely affected its capacity to continue its functions. This is particularly critical for logistical operations that need to be conducted on both sides of the berm unimpeded. Because of the joint nature of the Mission, the loss of critical logistical and administrative staff is currently jeopardizing the Mission's field operations. MINURSO is currently unable to sustain basic but critical functions, such as driving supply vehicles across the berm (which requires international drivers because of the requirements of the parties) and mechanical repair and maintenance of key equipment and infrastructure required to keep remote locations functional. The loss of such capacities creates the risk of a sudden interruption of the Mission's military activities beyond the risk created by the ongoing degradation of the provision of basic supplies. The withdrawal of core parts of the international civilian component also significantly affected financial and administrative controls over the Mission's funds and assets, at best creating serious delays in processes.

53. Beyond the operational impact, the withdrawal of the international civilian component has seriously compromised the capacity of the Mission to perform the mandate established by the Security Council. The cancellation of Morocco's voluntary contribution of some $3 million per year, including for accommodation and meals for military observers, immediately created an additional unbudgeted cost for MINURSO. The military component will struggle to maintain its monitoring of the ceasefire, given its reliance on civilian capabilities and technical functions for sustainability. Other key tasks and standard peacekeeping functions, such as assessments of and reporting on local conditions that may affect the Mission's operations and the political process, have been discontinued.

V. Humanitarian activities and human rights

A. Persons unaccounted for in the conflict

54. The International Committee of the Red Cross, playing its role as neutral intermediary, continued to work with the parties and families concerned in treating the cases of persons still unaccounted for in relation to the past hostilities.

B. Assistance to and protection of Western Saharan refugees

55. In accordance with its mandate, UNHCR continued to provide international protection to Western Saharan refugees living in the five camps near Tindouf and, together with its partners, deliver life-saving assistance and other livelihood activities targeting vulnerable refugees, and young people in particular. This included multisectoral activities in the areas of protection, shelter, water and sanitation, health, nutrition and education and the provision of non-food items, as well as a renewed focus on livelihoods. UNHCR continued to carry out its mandated responsibilities in protection and basic services using a community-based approach. Pending the registration of the refugees in the camps near Tindouf, the humanitarian assistance provided by UNHCR and WFP continues to be based on a population planning figure of 90,000 vulnerable refugees, with WFP furnishing an additional 35,000 food rations to persons with poor nutritional status. In March 2016, UNHCR conducted an initial technical mission to identify areas in which support and advice could be provided.

56. Following the heavy floods of October 2015 (see para. 12), UNHCR led the inter-agency emergency response with other humanitarian actors in close collaboration with the Government of Algeria, the Algerian Red Crescent and partners on the ground. UNHCR, WFP, UNICEF and WHO launched an inter-agency appeal of $19.8 million. UNHCR distributed urgently needed shelter and relief items, including 4,205 emergency family tents and 15,822 essential life-sustaining relief items. Evacuation of stagnant water and an awareness campaign on the dangers of the most common waterborne diseases were simultaneously conducted. WFP distributed 205 metric tons of food commodities in the immediate aftermath of the floods; 85,000 individual rations were distributed in early November. UNICEF set up 57 temporary learning facilities and distributed some 36,000 school supplies, allowing all children to take their exams. In addition, 15 schools and kindergartens were rehabilitated and 17 temporary health facilities and 5 temporary child-friendly spaces were established.

57. Owing to a lack of funding, shelter rehabilitation activities could only target the 2,000 most vulnerable families of the 17,841 families affected. As a result, many families continue to live in temporary tents and damaged houses, or have found accommodation with other refugee families. The second phase of the emergency response, along with the rehabilitation of 50 school classrooms, continues in 2016. With only $11.9 million received thus far, the inter-agency appeal is 40 per cent underfunded.

58. Similarly, funding shortfalls compelled WFP to adjust the number of food items provided during the year, resulting in a less diversified food basket. Between August and October 2015, it was forced to reduce food rations by up to 20 per cent. In the health sector, UNHCR and its partners continued to cover up to 80 per cent of the needs in the camps. Chronic conditions such as hypertension, diabetes, anaemia and kidney failure remained the main health concerns. A health information system was piloted, which permitted the provision of accurate public health indicators on a regular basis. Anaemia and stunting prevention programmes targeted some 12,000 children under 5 years of age and 8,000 pregnant and lactating women in 2015. In March 2016, UNHCR and WFP conducted a joint mission to assess the food security situation of the Western Saharan refugees and to review the quality of ongoing food and nutrition-related activities. Given the low level of financial support, the retention of skilled staff remains a key challenge in the health sector.

59. UNHCR, through its partner organizations, also provided financial support to primary and intermediate school teachers in the five camps and ensured that that all children between the ages of 6 and 17 were enrolled in school. The number of young refugees enrolled in vocational training courses and other skills training increased. Twenty-five students received scholarships and are now pursuing higher studies in Algerian universities. WFP continued to support the school feeding programme. UNHCR also continued to ensure the supply of potable water to all refugees living in the five camps. Preventive plans for the maintenance and rehabilitation of water facilities were implemented to optimize the use of the existing water infrastructure, which does not provide a sufficient daily quantity. Efforts and resources continue to be focused on the extension of the water distribution network in all camps. Hygiene kits were distributed to 38,450 women and girls of reproductive age.

60. UNHCR has been working in close collaboration with relevant basic service providers in cases of sexual and gender-based violence to ensure that quality referral and response services are available in terms of legal, medical and psychosocial support.

61. UNHCR and its partners have initiated a multi-year livelihoods strategy with a special focus on the empowerment of youth. In this connection, UNHCR deployed a mission in March 2016 to identify income-generating opportunities for young people in the camps near Tindouf. These activities were articulated in the multi-year strategy developed as a result of the mission. An innovation centre on information technology, communications skills and management was established to allow young refugees to follow online courses and university studies. UNHCR also carried out other livelihood initiatives and quick impact projects, including provision of support to three bakeries and one soap factory, as part of the income-generation projects. Given the current serious funding gaps in its assistance programme in the camps (the programme is only 6 per cent funded), UNHCR will continue to sensitize donor countries and plan donor briefings, together with its partners, with the aim of obtaining more funding for this refugee situation, which is the most protracted situation under its mandate.

62. Underfunding continued to affect the regular refugee programme despite high-level efforts to mobilize additional assistance. On 22 July, following her visit to the region (see paras. 16 and 17), my Chef de Cabinet convened a meeting in New York of permanent representatives from existing and potential donor countries to encourage the mobilization of additional financial resources to address the shortfalls, particularly in food assistance.

C. Confidence-building measures

63. All activities of the confidence-building measures programme, as stipulated in the plan of action of 2012, were suspended in June 2014. As it continues its consultation and cooperation with both parties, UNHCR remains ready to facilitate the prompt resumption of the family visits and cultural seminars through the existing coordination mechanism.

64. Over 12,000 individuals are registered to benefit from the family visits programme. UNHCR remains committed to the mandate and to the principles of the confidence-building measures programme and has thus maintained a minimum

operational capacity to respond immediately at such time as confidence-building activities resume. It is imperative that the programme continue to link the population divided by the conflict for the last 40 years.

D. Human rights

65. As jointly agreed with Morocco, the Office of the United Nations High Commissioner for Human Rights (OHCHR) carried out a technical mission to Laayoune and Dakhla in Western Sahara from 12 to 18 April 2015. The mission, which was preceded by meetings with government officials in Rabat, enabled OHCHR to gather first-hand information and gain greater understanding of the human rights situation and challenges in Western Sahara and to explore forms of future cooperation to ensure effective human rights protection for all. MINURSO provided logistical support during the mission.

66. In Laayoune and in Dakhla, the OHCHR delegation met with numerous interlocutors, including local authorities, representatives of civil society and victims of human rights violations and their relatives. The delegation also met with ex-prisoners of Frente Polisario. Although the delegation was allowed to meet interlocutors of its choice, as agreed with the Government of Morocco, its meetings with civil society and victims were monitored, and a few incidents of reprisal were reported. In order to further assess existing protection mechanisms, the delegation also met with representatives of the National Human Rights Council offices in Laayoune and in Dakhla to seek their views concerning needs for and gaps in human rights protection at the local level and ways in which OHCHR could assist in closing those gaps and strengthening existing capacities. The delegation gathered information on a variety of alleged human rights violations. It also received information about existing and planned projects in the economic, social and cultural spheres in Western Sahara and witnessed some of these in Laayoune and Dakhla first-hand.

67. During the reporting period, the Government of Morocco extended invitations to four special procedures mandate holders of the Human Rights Council, in addition to those that remain outstanding from previous years. The Special Rapporteur on the right to food and the Independent Expert on human rights and international solidarity undertook missions to Dakhla on 10 October 2015 and 19 and 20 January 2016, respectively. The dates for a follow-up visit by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment are under discussion.

68. According to various sources, the Moroccan authorities continued to routinely prevent or disperse gatherings focused on the right to self-determination, discriminatory employment policies and other socioeconomic issues during the reporting period. According to the same sources, Moroccan law enforcement officials also blocked access to demonstrations and often used excessive or unnecessary force in repressing demonstrations, including during the OHCHR mission. In several cases, protesters and activists were allegedly subjected to arbitrary arrest, unfair trials and imprisonment on ostensibly trumped-up charges solely for exercising their rights to freedom of expression and peaceful assembly. Local human rights groups reported that some persons injured during demonstrations were denied or did not receive equal and timely access to medical treatment or services. Others refrained from seeking medical assistance at hospitals out of fear of reprisal from security

personnel on the scene. However, according to the Moroccan authorities, the right of assembly is guaranteed by law to all recognized entities unless the law is violated or it is judged that the gathering is disturbing public order. They added that, on this basis, a large number of demonstrations took place without incident during the reporting period.

69. On 12 January 2016, at least 19 Western Saharans, members of the Field Coordination of Unemployed Sahrawi Graduates, reportedly went on a hunger strike for almost two weeks to protest economic and social discrimination and demand equal employment opportunities. The security forces allegedly surrounded the group's building and prevented family members and friends from visiting, thereby restricting the protesters' access to water. This led to a drastic deterioration in the health of the majority of the strikers. On 23 January, electricity in the building was reportedly cut in an apparent attempt to force an end to the strike. On 26 January, OHCHR sent a note verbale to the Permanent Mission of Morocco in Geneva requesting information on the circumstances of the incident and the measures that Morocco had taken to address the demands of the group. On 30 March, the Permanent Mission of Morocco responded that, after a visit to the group by a multidisciplinary commission, the participating doctors reported that the hunger strike was fictitious and that the strikers had eaten during their visit. In its response, the Permanent Mission also concluded that each time the hunger strikers simulated fainting they were evacuated to a hospital for medical treatment.

70. The 21 Western Saharans that belong to the Gdeim Izik protest camp group continued to serve the prison sentences, including life sentences, that a military court had imposed in 2013.[1] The new Code on Military Justice (No. 108-13), which took effect in July 2015, ending military court trials of civilians, did not retroactively benefit that group, and the group's petition of the verdict remained pending in the court of cassation. Torture and ill-treatment in places of deprivation of liberty, including as a result of overcrowding and limited access to medical care, continued to be reported. In a letter dated 16 February 2016 addressed to me, the Permanent Representative of Morocco confirmed that a decision had been made to designate the National Human Rights Council as the national preventive mechanism for inspecting places of detention, as envisaged in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to parliamentary approval.

71. A number of Western Saharan human rights groups that had previously sought official recognition from the Moroccan authorities were not accorded legal status during the reporting period. The Moroccan authorities' harassment of Western Saharan human rights defenders and activists continued. Unnecessary restrictions were reportedly imposed on some human rights defenders and activists seeking to enter and leave Western Sahara west of the berm, thereby limiting their freedom of movement. According to the Moroccan authorities, 34,943 foreigners from more than 120 countries visited Western Sahara west of berm during the reporting period, including human rights organizations, diplomats and journalists. Local authorities reportedly continued to restrict access for some foreign visitors, including journalists, human rights defenders and activists, expelling some and preventing others from visiting.

[1] See S/2013/220, paras. 14, 81 and 82; S/2014/258, para. 81; and, para. 57.

72. In its concluding observations with regard to Morocco's fourth periodic report, adopted on 8 October 2015, the Committee on Economic, Social and Cultural Rights of the Economic and Social Council welcomed the adoption of several measures promoting the enjoyment of economic, social and cultural rights by the population (E/C.12/MAR/CO/4, para. 4). Available information indicates, however, that Western Saharans continue to face discrimination in the enjoyment of their economic, social and cultural rights. The Committee recommended that Morocco strengthen its efforts, under the auspices of the United Nations, to find a solution to the issue of the right to self-determination for Western Sahara (ibid., para. 6 (a)), and that it take appropriate steps to permit Western Saharans to fully enjoy their economic, social, and cultural rights. The Special Rapporteur on the right to food visited Dakhla in October 2015. In her report on the mission, she stated that she had witnessed significant efforts to develop infrastructure and that many were benefiting from agricultural and fishing projects. She also echoed some of the Committee's findings and recommendations (see A/HRC/31/51/Add.2, paras. 56-60).

73. Moroccan and international investments in Western Sahara and its territorial waters continue to be a subject of contention between the Government of Morocco and Frente Polisario. On 10 December 2015, the General Court of the European Court of Justice delivered a judgment in the case of Frente Polisario v. Council of the European Union (case T-512/12) granting Frente Polisario standing before the Court and annulling the European Union-Morocco agreement on agricultural products, processed agricultural products, and fish and fishery products insofar as it applies to Western Sahara. Morocco has denounced this judgment as politically motivated. On 19 February, the Council of the European Union brought an appeal against the judgment, alleging that the Court's decision had erred in law on six grounds, including by holding that Frente Polisario had the capacity to bring proceedings before the courts of the European Union and by holding that Frente Polisario was directly and individually concerned by the case (case C-104/16 P).

74. The offices of the National Human Rights Council in Laayoune and Dakhla continued to carry out a range of activities, including monitoring demonstrations, organizing capacity-building activities and visiting places of detention and medical facilities. The offices of the Council continued to prepare reports and submit recommendations on certain human rights issues to relevant authorities. In 2015, the Council received over 300 complaints, the majority of which concerned allegations of human rights violations by security forces and local authorities and conditions of detention. Progress was reported concerning the timely response by the authorities to such complaints. According to several sources, however, the majority of the responses remained insufficient. Cases of enforced disappearance, which were either excluded on technical grounds by the Equity and Reconciliation Commission or occurred after the Commission's process ended, remained unresolved. Morocco has declared that the National Human Rights Council has been mandated to deal with such cases. According to various sources, however, the lack of accountability and the absence of investigation into allegations of human rights violations against Western Saharans remained major concerns during the reporting period.

75. Pursuant to an agreement with Algeria and Frente Polisario, OHCHR carried out a technical mission to the Western Saharan refugee camps near Tindouf, Algeria, from 29 July to 4 August 2015. The mission, which was preceded by meetings with government officials in Algiers, enabled OHCHR to gather first-hand information and gain greater understanding of the human rights situation and challenges in the

camps and to explore future forms of cooperation to ensure effective human rights protection for all. MINURSO provided logistical support during the mission.

76. With the cooperation of Frente Polisario and the Algerian authorities, the delegation visited three of the five refugee camps near Tindouf, namely Awsard, Smara, and Laayoune. The delegation was able to meet with various interlocutors of its choice, including representatives of Frente Polisario, the "Sahrawi Committee for Human Rights" and civil society representatives, as well as interlocutors critical of Frente Polisario. The delegation also met with Western Saharan refugees and victims and family members of victims of past enforced disappearances, without any limitations.

77. In the refugee camps, the delegation witnessed visible efforts to ensure, within the limited resources available, access to education and health care, administration of justice and preservation of cultural heritage. The information available did not reveal a pattern of human rights violations and abuses by Frente Polisario. The dire humanitarian situation, coupled with the absence of access to the natural wealth and resources in Western Sahara west of the berm, prevented the Western Saharans in the refugee camps from enjoying their economic, social and cultural rights.

78. The "jurisdiction" of the "military court" established by Frente Polisario had traditionally encompassed the investigation and trial of people accused of "crimes against security" until 2012, when a "decision" transferred some crimes, including drug-related crimes, from the "jurisdiction" of "civil courts" to that of a "military court". In my previous report, I had cited this as an area of concern (S/2015/246, para. 63). On 16 August 2015, a "decision" was issued limiting the jurisdiction of the "military court" to "security crimes". It did not, however, apply retroactively to ongoing cases, as stated in the "decision". This reportedly included the cases of a number of civilians whom the "military court" convicted on charges of drug trafficking and sentenced to prison terms on 14 September 2015.

79. The few human rights groups that exist in the refugee camps continued to operate freely without any reported impediments. However, repeated requests for recognized status submitted by a human rights group advocating against alleged slavery and calling for equal representation of dark-skinned Western Saharans in public positions, were still pending as at 31 March 2016. During the reporting period, Frente Polisario and civil society actors reportedly made concerted efforts to eradicate alleged slavery-like conditions and resolved at least 15 such cases.

80. During the reporting period, individuals and groups in the camps continued to express diverse views and to mount small demonstrations, and the few existing private electronic media in the refugee camps continued to operate and even to criticize the leadership and management of the refugee camps. Movement within the five refugee camps and surrounding areas, including Rabouni, continued to be free, although it was regulated by Frente Polisario at security checkpoints and there was a night time curfew.

81. Frente Polisario continued to express a readiness to cooperate with all United Nations human rights activities, while insisting that this cooperation should not be a substitute for a human rights component in the MINURSO mandate. Morocco maintained repeatedly that OHCHR should work with Algeria, the host country, in dealing with human rights in the refugee camps.

82. During my meeting with Mr. Abdelaziz, I raised the cases of three young women reportedly held against their will by their families in the refugee camps for different periods. Mr. Abdelaziz promised to pay special attention to resolving these cases, while reminding me that appropriate processes had already been initiated.

VI. African Union

83. Until the Government of Morocco requested that the three African Union personnel leave Laayoune, MINURSO continued its cooperation with the observer delegation of the African Union led by Yilma Tadesse (Ethiopia), as well as its support for the delegation with logistical and administrative assistance drawn from its existing resources. On 18 March, the Chairperson of the African Union Commission issued a statement deploring the decision by Morocco to remove personnel from MINURSO. She also stressed the need to make progress in the political process and called for the international community to provide unreserved support for the United Nations efforts.

VII. Financial aspects

84. The General Assembly, by its resolution 69/305, appropriated the amount of $51.1 million for the maintenance of MINURSO for the period from 1 July 2015 to 30 June 2016. My proposed budget in the amount of $54.3 million for the maintenance of the Mission for the period from 1 July 2016 to 30 June 2017 (A/70/696) has been submitted to the Assembly for consideration during the second part of its resumed seventieth session. It should be noted that proposed requirements are based upon the prevailing mandate and scope of the Mission.

85. As at 31 March 2016, unpaid assessed contributions to the special account for MINURSO amounted to $47.9 million. The total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to $2,593.6 million.

86. Reimbursement of troop costs has been made for the period up to 31 July 2014. During the period from 1 July to 31 December 2015, partial payments were made for the reimbursement of the costs of contingent-owned equipment covering a six-month period.

VIII. Observations and recommendations

87. Given the lack of progress toward a resolution of the dispute over the status of Western Sahara, which has not changed since my last report, the efforts of the United Nations through the work of my Personal Envoy, of MINURSO and of the agencies present on the ground remain highly relevant.

88. The frustrations I witnessed among Western Saharans, coupled with the expansion of criminal and extremist networks in the Sahel-Sahara region, present increased risks for the stability and security of all the countries of the region. A settlement of the Western Sahara conflict would mitigate these potential risks and promote regional cooperation in the face of common threats and regional integration to bolster economic opportunity.

89. As I urged during my visit to the region, it is crucial to make progress as soon as possible to address the tragic humanitarian situation that has lasted for far too long. In this connection, I continue to note with regret that the political process that began in April 2007 has not yet opened the way to the genuine negotiations that the Council and I have repeatedly called for.

90. The fundamental difficulty is that each party comes to the table with a different vision. Morocco considers that Western Sahara is already part of Morocco, that the only basis for negotiations is its initiative for autonomy under Moroccan sovereignty and that Algeria must be a party to those negotiations. Frente Polisario considers that the definitive status of Western Sahara remains to be determined, that the final word must be that of the autochthonous population through a referendum with independence as an option, that all proposals and ideas that the parties put forward should be on the table and that the only parties to the negotiation are Frente Polisario and Morocco.

91. The time has come to engage in serious negotiations without preconditions and in good faith to reach "a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara" (see Security Council resolution 2218 (2015), para. 7). The mutually acceptable political solution should include resolution of the dispute over the status of Western Sahara, including through agreement on the nature and form of the exercise of self-determination. The negotiations must be open to the two parties' proposals and ideas. Algeria and Mauritania, as neighbouring countries, can and should make important contributions to this process. To this end, I have requested my Personal Envoy to redouble his efforts to make progress with all concerned.

92. The Security Council established MINURSO to monitor the ceasefire between the parties, to maintain the military status quo and, subject to the agreement of the parties, to organize a referendum of self-determination. As with any United Nations peacekeeping operation, MINURSO is responsible for reporting to the Secretariat, the Security Council and my Personal Envoy on local developments affecting or relating to the situation in its area of operation, including the maintenance of the ceasefire and political and security conditions affecting the peace process that my Personal Envoy facilitates.

93. Without a suitable and fully staffed international civilian component, the Mission cannot fulfil a core component of its functions and will thus fail to meet the Security Council's expectations. At the time of writing, the expulsion of most of the MINURSO international civilian component had essentially resulted in the de facto alteration of the mandate of MINURSO, a development that can be expected to be exploited by terrorist and radical elements. Even with a limited presence of international civilian support personnel, military activities will not be sustainable in the medium to long term, as the military and civilian components of the Mission go hand in hand. The military personnel create a conducive situation on the ground to allow the political process to move forward, and all rely on civilian support to function as required. Beyond the acute operational consequences created by this situation, the continued inability of the Mission to execute its mandated tasks is in itself not sustainable and will entail, in the short to medium term, significant implications for the stability of the region, as well as for the credibility of the Security Council and United Nations peacekeeping operations and political missions globally.

94. I am very deeply concerned that the security environment in the Mission's area of operation is likely to continue to deteriorate and further compound the existing

limitations placed on its ceasefire monitoring activities. Prior to the current crisis, MINURSO had been working to update its logistical and security arrangements to adjust to and anticipate these evolving conditions; it is doing so with limited resources and capabilities. I recommend that, as a first step, and pending a thorough assessment of the Mission's support requirements, the Security Council approves the deployment of 14 additional military medical personnel as discussed in paragraph 37 above.

95. I call on the Security Council to restore and support the mandated role of MINURSO, uphold peacekeeping standards and the impartiality of the United Nations, and, most importantly, avoid setting a precedent for United Nations peacekeeping operations around the world. The Mission's presence and successful operation is critical to ensuring the parties' observation of the ceasefire, as a mechanism to support the implementation of successive Security Council resolutions, and as a visible representation of the international community's commitment to achieving a resolution to the conflict. As broad engagement across sectors and communities is essential for any peacekeeping mission, I hope in particular that the remaining limitations on the Mission's "free interaction with all interlocutors", as cited in every Security Council resolution on the subject since 2012, will be removed.

96. The risk of a rupture of the ceasefire and a resumption of hostilities, with its attendant danger of escalation into full-scale war, will grow significantly in the event that MINURSO is forced to depart or finds itself unable to execute the mandate that the Security Council has set. In this context, and in light of the continuing efforts of my Personal Envoy and the continuing importance of MINURSO, I recommend that the Security Council extend the mandate of MINURSO for a further 12 months, until 30 April 2017.

97. I note with great concern the chronic lack of funding for the refugee programme and the deteriorating humanitarian situation, as witnessed during my recent visit to the refugee camps near Tindouf, which has been further compounded by the torrential rains and flooding in late 2015. Although this exceptional natural disaster brought new attention to the plight of the Western Saharan refugees, once the initial momentum fades away, donor fatigue and diminishing humanitarian budgets are likely to continue to be a major challenge in providing humanitarian assistance.

98. I urge the international community to continue its support and to increase funding to this vital humanitarian programme. To that end, I am pleased to note that UNHCR is convening a donors' briefing and call upon donor countries to fully support the efforts and initiatives of UNHCR and its partners to obtain more funding for this refugee situation, bearing in mind that it is the most protracted such situation that UNHCR is mandated to address. I also reiterate my call for continued consideration of registration in the refugee camps near Tindouf and invite efforts in this regard.

99. I remain concerned by the continued suspension of the confidence-building measures programme because it is heartbreaking to see families separated for so long. I encourage the parties to engage in further dialogue with UNHCR on the resumption of this important humanitarian programme for the Western Saharan population.

100. It remains vital to address all human rights protection gaps and underlying human rights issues in situations of protracted conflict such as that in Western

Sahara. Human rights do not have borders. All stakeholders are obliged to uphold the human rights of all people. I therefore urge the parties to respect and promote human rights, including by addressing outstanding human rights gaps and enhancing their cooperation with OHCHR and the various United Nations human rights mechanisms.

101. I commend the parties' cooperation with OHCHR during its missions to Western Sahara and the refugee camps in 2015. I also take note of Morocco's invitations to and cooperation with the special procedures mandate holders of the Human Rights Council. I welcome confirmation that the National Human Rights Council has been designated as the independent national preventive mechanism, as envisaged in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and urge completion of the legislative formalities required to complete the process. I also welcome the expressed readiness of Frente Polisario to cooperate with OHCHR, as well as its positive amendment of the jurisdiction of the "military court" in the refugee camps.

102. I urge further engagement with regard to the human rights situation in Western Sahara and the refugee camps, including by supporting human rights entities operating there and by augmenting the provision of humanitarian aid in the camps. Given ongoing reports of human rights violations, it is necessary to sustain an independent and impartial understanding of the human rights situation in both Western Sahara and the camps, through regular cooperation with OHCHR and other human rights bodies, with the objective of ensuring protection of all. This should contribute to full and effective implementation of international human rights law and standards by the parties. It would also contribute to the creation of an environment conducive to making progress in the negotiating process.

103. In the light of continued interest in the exploration and exploitation of the natural resources of Western Sahara, I reiterate my call on all relevant actors to "recognize the principle that the interests of the inhabitants of these territories are paramount", in accordance with Article 73 of the Charter of the United Nations.

104. When all is said and done, however, what I want to emphasize most strongly is that the conflict over Western Sahara and the attendant, truly heart-wrenching, human suffering must come to an end for the well-being of the Western Saharans and for the stability and security of the North African region and beyond. In 2007, the Security Council asked the parties to negotiate a solution, and they have been unable to do so despite the passage of nine years. It is more urgent than ever for the parties to engage in genuine dialogue and for the international community to lend all assistance in this regard.

105. In conclusion, I wish to extend my sincere thanks to my Personal Envoy for Western Sahara, Christopher Ross, for his repeated and tireless engagement with the parties and neighbouring States in our collective efforts to resolve this conflict. Similarly, I am very grateful to Kim Bolduc, my Special Representative in Western Sahara and head of MINURSO for her exemplary leadership. Both of these committed international officials have my total support and appreciation for the work they have been carrying out in the most difficult of political circumstances. In addition, I would like to thank Major General Tayyab Azam, as well as his predecessor, Major General Edy Mulyono, for their able and dedicated service to MINURSO. Finally, I also thank the men and women of MINURSO for their work to fulfil the Mission's mandate in difficult conditions.

Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 31 March 2016

Country	*Military observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	3	–	–	3
Austria	5	–	–	5
Bangladesh	8	20	–	28
Bhutan	2	–	–	2
Brazil	10	–	–	10
China	7	–	–	7
Croatia	7	–	–	7
Djibouti	1	–	–	1
Egypt	20	–	–	20
El Salvador	3	–	–	3
France	6	–	–	6
Germany	4	–	–	4
Ghana	10	7	–	17
Guinea	4	–	–	4
Honduras	13	–	–	13
Hungary	6	–	–	6
India	3	–	–	3
Indonesia	5	–	–	5
Ireland	3	–	–	3
Jordan	–	–	–	–
Kazakhstan	5	–	–	5
Malawi	3	–	–	3
Malaysia	12	–	–	12
Mexico	4	–	–	4
Mongolia	4	–	–	4
Nepal	5	–	–	5
Nigeria	3	–	–	3
Pakistan	14	–	–	14
Poland	1	–	–	1
Republic of Korea	4	–	–	4
Russian Federation	14	–	–	14
Sri Lanka	3	–	–	3

Country	*Military observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Switzerland	1	–	–	1
Togo	2	–	–	2
Yemen	10	–	–	10
Total	**205**	**27**	**–**	**232**[c]

[a] Authorized military strength is 246, including the Force Commander.
[b] Authorized strength is 12.
[c] Actual strength on the ground, for military and civilian police, including the Force Commander.

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